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Attorneys for Plaintiff DAVID DUTCHER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID DUTCHER,

Plaintiff,

v.

DON LAWSON, SUSAN DUTCHER,
MARY NOLAN, CHRISTOPHER
BUTLER, SHARON TAYLOR, LATASHA
WALLACE, JULIA KOSTINA and DOES
ONE to FIFTY, inclusive.

Defendants.

Case No. C 12-01981 ~~DMR~~ **CRB**

**STIPULATION AND PROPOSED
ORDER CONTINUING THE INITIAL
CASE MANAGEMENT CONFERENCE
FROM OCTOBER 17, 2012 TO
NOVEMBER 14, 2012 OR THE NEXT
AVAILABLE DATE**

Date Action Filed: April 20, 2012
Trial Date: Not set.

IT IS HEREBY STIPULATED:

1. The Court's Standing Order (revised February 22, 2011) provides at Paragraph Eight in pertinent part: "Parties may not stipulate to continue a case management, status, or pretrial conference without Court approval."

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2. On September 25, 2012, Defendant Susan Gomes (sued as Susan Dutcher) filed a Motion to Extend Time to Respond to First Amended Complaint (ECF Doc. 33). Ms. Gomes requested that the Court extend the existing deadline to respond to the First Amended Complaint to October 29, 2012.

3. Plaintiff David Dutcher, Defendant Don Lawson and Defendant Mary Nolan do not oppose the extension requested by Ms. Gomes.

4. Plaintiff has filed a Proof of Service of Summons and Complaint on Defendants Latasha Wallace (ECF Doc. 16), Julia Kostina (ECF Doc. 17), Sharon Taylor (ECF Doc. 18) and Christopher Butler (ECF Doc. 24).

5. Plaintiff has contacted counsel for Mr. Butler and requested that he file a response to the First Amended Complaint by September 28, 2012.

6. Plaintiff is in the process of determining whether to dismiss Ms. Kostina, Ms. Taylor and/or Ms. Wallace from this action.

7. Currently, the Initial Case Management Conference is set for Wednesday, October 17, 2012. As a result, September 26, 2012 is the last day for all parties to meet and confer regarding initial disclosures, early settlement, ADR process selection and a discovery plan.

8. Because Ms. Gomes, Mr. Butler, Ms. Kostina, Ms. Taylor and Ms. Wallace have not responded to the First Amended Complaint, it is will not be productive for Plaintiff, Ms. Nolan and Mr. Lawson to meet and confer without them. Further, it will not be possible to prepare a Joint Case Management Conference without the participation of Ms. Gomes, Mr. Butler, Ms. Kostina, Ms. Taylor and Ms. Wallace.

9. As a result, Plaintiff, Ms. Nolan and Mr. Lawson request that the Court continue the Initial Case Management Conference from October 17, 2012 to November 14, 2012, or the next available date. This continuance will allow sufficient time for Ms. Gomes, Mr. Butler, Ms. Kostina, Ms. Taylor and Ms. Wallace (1) to respond to the First Amended Complaint, and (2) meet and confer on all necessary issues prior to the Initial Case Management Conference. The parties' Joint Case Management Statement is due on November 7, 2012.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD

Dated: October 1, 2012

GEARINGER LAW GROUP

By: /s/ Brian Gearing
BRIAN GEARINGER
R. STEPHEN M. LAROE
Attorneys for Plaintiff DAVID DUTCHER

Dated: October 1, 2012

ROECA HAAS HAGER LLP

By: /s/ Edward D. Haas
EDWARD D. HAAS
Attorneys for Defendant MARY NOLAN

Dated: October 1, 2012

MCNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER LLP

By: /s/ James V. Fitzgerald, III
JAMES V. FITZGERALD, III
Attorneys for Defendant DON LAWSON

Dated: October 1, 2012

LAW OFFICE OF MATTHEW PAVONE

By: /s/ Matthew B. Pavone
MATTHEW B. PAVONE
Attorneys for Defendant DON LAWSON

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IT IS ORDERED AS FOLLOWS:

Pursuant to the above Stipulation, the Initial Case Management Conference is continued
16 at 8: 30 a.m.
to Wednesday, November 14, 2012. The parties' Joint Case Management Statement is due on
November 7, 2012.

Dated: October 15, 2012

